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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,393	05/25/2001	Leonard S. Hand	6169-203	4209

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EXAMINER	
CHANNAVAJJALA, SRIRAMA T	
ART UNIT	**PAPER NUMBER**
2164	

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/865,393	HAND ET AL.	
	Examiner	Art Unit	
	Srirama Channavajjala	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 June 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Examiner acknowledges applicant's amendment filed on 6/11/2004.

2. Claims 1-25 are pending in this application.

3. Claims 1-24 have been amended.

4. Claim 25 is added.

5. In view of applicant's amendment to claims 5,10,20, and respective dependent claims 2-4,6-9,11-14,16-19,21-24, the rejection under 35 USC 112 first and second paragraph as set forth in the previous office action is hereby withdrawn.

Drawings

6. The drawings filed on 5/25/2001 are approved to by the Draftsperson under 37 CFR 1.84 or 1.152.

Claim Objections

7. Claim 11 is objected to because of the following informalities: At page 6, The system according to claim 25, wherein said datastore, comprises a storage for storing ***said values as said values*** are collected and..... It is not clear what is meant by "storing ***said values as said values*** are collected"..... examiner assumes it should be "storing ***said values*** are collected...." , and treated as "storing ***said values*** are collected...." In the office action.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1,15 are rejected under 35 U.S.C. 102(a) as being anticipated by D'ippolito, Tommaso, et al., [hereafter Tommaso], CA 2287844.

9. As to Claims 1, 15 Tommaso teaches a system which including 'post-analyzing and sequentially visualizing a plurality of predefined metrics in a stored dynamic data space' [Abstract, page 3, line 11-16, line 20-23];

'storing in a datastore, values corresponding to the predefined metrics received from an agent' [page 6, line 10-17, fig 1], Tommaso is directed to performance of a communications network, more specifically, gathering performance data, monitoring various parameters related to performance to and from the network, Tommaso also teaches each device or equipment typically consists of a database as detailed in fig 1, element 26, the data values are based on real-time or dynamic data values that are stored in a database; 'each of said values representing a characteristic of one of a plurality of entities in the data space' [page 11, line 5-22, page 12, line 3-5], Tommaso teaches data associated with other related objects such as detailed in fig 6, 112 are represented uniquely if it meets specific criteria and that corresponds to characteristic of entities in the data region; 'wherein data for temporally coordinating interactions among the entities is also stored in the datastore' [page 9, line 4-8], Tommaso specifically

teaches different data representations to appear in data portions that corresponds to interactions among the entities of data that is supported in network management;

'retrieving said stored values from said datastore' [page 12, line 11-15], Tommaso specifically teaches user accessing information from respective location in the main memory as detailed in page 12, line 11-15;

'displaying said retrieved values for selected ones of said predefined metrics for sequential viewing on a graphical display' [page 12, line 16-26,page 13, line 14-22, fig 7,9], Tommaso specifically teaches visually representing and displaying retrieved data from selected performance module as detailed in fig 9; 'previously occurring network events involving the entities' [page 11, line 15-22], network events involving entities corresponds to network objects element 112 or attributes as detailed in fig 2 and fig 6; 'wherein displaying step utilizes previously stored temporal data to display interactions among at least a portion of the entities in a time sequenced manner' [see page 12, line 17-29], Tommaso specifically teaches event viewer module has the ability to produce network event data and displaying in row/column format [see page 12, line 17-20], further it is noted that event log is maintained, as best understood by the examiner, log time corresponds to entities in a time sequenced manner because each log entry has corresponding time stamp as detailed in fig 7. Also, it is noted that Tommaso suggests the data to be filled in fields may come from either temporary memory element 72 or main memory element 36.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 2- 4,16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Ippolito, Tommaso et al., [hereafter Tommaso], CA 2287844 in view of Bloch et al., [hereafter Bloch], US Patent No. 6792468.

11. As to claim 5, 20, Tommaso teaches a system which including 'post-analyzing and visualizing predefined metrics for at least one of plurality of distributed components in a heterogeneous system' [see Abstract, page 3, line 11-16, line 20-23], plurality of distributed components in a heterogeneous system corresponds to fig 1;

'at least one software agent retrieving and processing predefined metrics, [page 6, line 10-17, fig 1], Tommaso is directed to performance of a communications network, more specifically, gathering performance data, monitoring various parameters related to performance to and from the network, Tommaso also teaches each device or equipment typically consists of a database as detailed in fig 1, element 26, the data values are based on real-time or dynamic data values that are stored in a database; 'each metric representing a characteristic of a component in a heterogeneous system, wherein each of said agents is configured to processes the received values in an entity-independent manner' [page 11, line 5-22, page 12, line 3-5], Tommaso teaches data associated with other related objects such as detailed in fig 6, 112 are represented uniquely if it meets specific criteria and that corresponds to characteristic of entities in the data region; 'wherein data for temporally coordinating interactions among the entities is also stored in the datastore' [page 9, line 4-8], Tommaso specifically teaches different data representations to appear in data portions that corresponds to interactions among the entities of data that is supported in network management;

'storing in a datastore, values for the processed metrics' agent' [page 6, line 10-17, fig 1],

'identifying a previously occurring network event involving components associated with the at least one agent' [page 11, line 15-22], Tommaso specifically teaches pre-stored criteria, pre-defined criteria in association with network attributes that corresponds to previously occurring network event;

'retrieving said stored values from said datastore for the network event' [page 12,

line 11-15], Tommaso specifically teaches user accessing information from respective location in the main memory as detailed in page 12, line 11-15;

'displaying said retrieved values for selected ones of said predefined metrics for sequential viewing on a graphical display' [page 12, line 16-26,page 13, line 14-22, fig 7,9], Tommaso specifically teaches visually representing and displaying retrieved data from selected performance module as detailed in fig 9; 'previously occurring interactions among components in the heterogeneous system' [page 15, line 10-22, fig 4, fig 1], Tommaso specifically teaches various modules for example event , performance, notifications, net simulator, and like as detailed in fig 4, these modules are integrated to coordinate, interact with other modules as detailed in page 15, line 10-22.

It is however, noted that Tommaso does not specifically teach 'sequential playback on a graphical display', although Tommaso teaches user interface, more specifically displaying various network events for example as detailed in fig 7-10. On the other hand, Bloch disclosed 'sequential playback on a graphical display' [col 5, line 40-45, line 60-66], Bloch specifically teaches playback engine that automatically generates user's request to specific information event as detailed in col 5, line 40-45.

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Bloch et al., into providing information about the performance of a communications network of Tommaso et al., because both Tommaso, and Bloch are directed to communications network based

information, more specifically Tommaso is directed to network management that provides the performance of communications network [see Abstract]. Bloch et al. Is directed to media information across a data network system, more specifically, real-time media data accessed and displayed with playback control [see Abstract, col 2, line 45-50].

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to combine the references because that would have allowed users of Tommaso to make use real-time playback control to not only review previous network events, but also have the ability to request specific events, see Bloch [col 2, line 45-57], thus improving the quality and reliability of data.

12. As to Claims 2,7,12,17,22, Tommaso teaches a system which including 'accessing values in said datastore' [page 6, line 26-29, page 9, line 4-7], accessing values in datastore corresponds to accessing respective device database as detailed in fig 1; 'determining a starting time and an ending time of said stored values to be retrieved' [page 12, line 19-26,fig 7], Tommaso teaches performance metrics, more specifically, performance metric have various parameters that including log time, as best understood by the examiner, starting and ending time of data values is integral part of Tommaso's teaching because Tommaso specifically performance related data values including specific log time as detailed in fig 7; 'acquiring said sequentially stored values from said starting time to said ending time [fig 7, fig 13,page 16, line 2-10].

13. As to Claims 3,18, Tommaso teaches a system which including 'an interface utilized by the displaying step to display the previously occurring network events is configured to display network events in real-time' [page 6, line 16-17, page 9, line 19-24, page 12, line 17-26, fig 7], Tommaso suggests various modules that including event view module, specifically event view module data represents performance metric, log time and like.

14. As to Claims 4,9,14,19,24, Tommaso teaches a system which including 'sequentially changing graphical display' [see fig 8,13]. It is however, noted that Tommaso does not specifically teach 'selecting a playback function from the group consisting of playing, forwarding, fast forwarding, rewinding, fast rewinding, pausing, stepping and stopping', although Tommaso specifically teaches graphical user interface, and displaying images as detailed in fig 4, further, it is also noted that Tommaso teaches selecting different data for example that appearing separate windows, or frames on a display screen [see page 9, line 4-8], Tommaso also teaches graphics adapter and audio/video adapter connected for displaying graphics [see page 8, line 1-2].

On the other hand, Bloch et al. disclosed 'selecting a playback function from the group consisting of playing, forwarding, fast forwarding, rewinding, fast rewinding, pausing, stepping and stopping' [col 4, line 52-54, line 67, col 5, line 1-2, line 26-32], Bloch specifically teaches graphical user interface where each specific frame may be

accessed, and controlled for example using commands to stop, reverse, play, speed-up play, slow-down play, or skip and like as detailed in col 5, line 26-32, further it is also noted that playback control signals such as play, stop, r fast forward and like are well known in the art as discussed by Bloch [see col 1, line 43-44]

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Bloch et al., into providing information about the performance of a communications network of Tommaso et al., because both Tommaso, and Bloch are directed to data communications network [see Tommaso: Abstract, fig 1; Bloch: fig 2], more specifically Tommaso is directed to network management that provides the performance of communications network [see Abstract], while Bloch et al. Is directed to frame media data across data network more specifically, controlling playback media data in real-time [see Abstract, col 4-10],

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Bloch et al., into performance of communications data network of Tommaso, more specifically modifying Tommaso's fig 3 to incorporate playback engine, fig 2, element 218 as detailed in Block et al. because that would have allowed users of Tommaso to receive, generate playback engine requests for specific data frame where user may change both speed, direction, [see col 5, line 28-32], bringing the advantages of accurately control and playback data

across data network [see Block: col 2, line 54-57], thus improving quality, reliability of the system.

15. As to claim 6, 21, Tommaso teaches a system which including 'storing said values sequentially in time as said values are collected along with data for temporally coordinating interactions among the components' [page 9, line 4-8, page 12, line 17-29, page 16, line 2-10, fig 7, fig 13], Tommaso specifically teaches different data representations to appear in data portions that corresponds to interactions among the entities of data that is supported in network management;

16. As to Claims 8,13,23, Tommaso teaches a system which including 'selecting at least one of the metrics for display for selected ones of said components [see fig 8, page 13, line 7-13], 'providing a graphical display of said selected metrics, said display sequentially changing according to changes in said acquired values caused by changes in the stored dynamic data space' [page 6, line 16-18,page 11, line 5-9, page 16, line 1-10, fig 9], Tommaso specifically teaches graphical display of selected metrics as detailed in fig 9.

17. As to Claim 10, Tommaso teaches a system which including 'post-analyzing and visualizing predefined metrics for at least one of plurality of communication components in a heterogeneous system' [see Abstract, page 3, line 11-16, line 20-23], plurality of communication components in a heterogeneous system corresponds to fig 1;

'at least one software agent configured to gather and process metrics from a plurality of communication components in a component-independent fashion, [page 6, line 10-17, fig 1], Tommaso is directed to performance of a communications network, more specifically, gathering, process performance data, monitoring various parameters related to performance to and from the network, Tommaso also teaches each device or equipment typically consists of a database as detailed in fig 1, element 26, the data values are based on real-time or dynamic data values that are stored in a database

'a datastore for storing values from agents' [page 6, line 10-17, fig 1], Tommaso specifically teaches data gathering is based on real-time and stored in a database as detailed in fig 1;

'a graphical interface for viewing component interactions and related data provided by the agents, wherein the agents are configured to selectively utilize the datastore and the communication components as information sources previously occurring network events are presented in the graphical interface' [page 9,line 18-24, line 28-30,page 10, line 1-3, fig 2,5,7], Tommaso specifically teaches various modules, for example overview module, navigational module, network summary module, event view module as detailed in fig 2 and 5, further, navigational modules specifically represents displaying menu that corresponds to user interface in which user selects data for viewing, fig 7 is typically represents various data being displayed that including network event(s)

It is however, noted that Tommaso does not specifically teach 'sequential playback', although Tommaso teaches user interface, more specifically displaying various network events for example as detailed in fig 7-10. On the other hand, Bloch disclosed 'sequential playback on a graphical display' [col 5, line 40-45, line 60-66], Bloch specifically teaches playback engine that automatically generates user's request to specific information event as detailed in col 5, line 40-45.

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Bloch et al., into providing information about the performance of a communications network of Tommaso et al., because both Tommaso, and Bloch are directed to communications network based information, more specifically Tommaso is directed to network management that provides the performance of communications network [see Abstract]. Bloch et al. is directed to media information across a data network system, more specifically, real-time media data accessed and displayed with playback control [see Abstract, col 2, line 45-50].

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to combine the references because that would have allowed users of Tommaso to make use real-time playback control to not only review previous network events, but also have the ability to request specific events, see Bloch [col 2, line 45-57], thus improving the quality and reliability of data.

18. As to claim 11, Tommaso teaches a system which including 'data store, comprises a storage for storing said values are collected and presented in real-time upon the graphical interface' [page 6, line 16-17], Tommaso specifically teaches real time collection of data and stored in the database as detailed in fig 1.

19. As to claim 25, Tommaso teaches a system which including 'communication components are utilized as information sources, network events are presented in the graphical interface in real-time' [page 6, line 16-17, page 11, line 5-9].

20. As to Claim 16, Tommaso teaches a system which including 'storing said values for the predefined metrics sequentially in time as said values are collected' [fig 13, fig 7, page 16, line 2-10].

Response to Arguments

21. Applicant's arguments filed on 6/11/2004, with respective to Claims 1-25 have been fully considered but they are not persuasive, for examiner's response, see discussion below:

a) At page 12, last para, last line, applicant argues that "Tommaso does not display interactions among network components in a stepwise fashion.

As to the above argument [a], examiner disagree with the applicant because firstly, Tommaso is directed to performance data of communication network, more specifically real time performance data of communication network is presented to the user using graphical user interface [see page 3, line 20-23], secondly, Tommaso specifically teaches displaying various network related events for example as detailed in fig 7, thirdly, Tommaso also specifically showing relationship among various network related modules, for example event view module, performance module, notifications module, therefore, Tommaso not only teaches interaction among various network components using graphical user interface but also displaying real-time network related events.

b) At page 13, line 1-2, applicant argues that "Tommaso does not store temporal data relating to network events so that network events can be graphically shown

As to the argument [b], examiner disagree with the applicant because Tommaso specifically teaches event viewer module has the ability to produce network event data and displaying in row/column format [see page 12, line 17-20], further it is noted that event log is maintained, as best understood by the examiner, log time corresponds to entities in a time sequenced manner because each log entry has corresponding time stamp as detailed in fig 7, also, it is noted that Tommaso suggests the data to be filled in fields may come from either temporary memory element 72 or main memory element 36.

c) At page 13, line 12-13, applicant argues that "Tommaso is silent as to storing temporal information for coordinating interactions among entities.

As to the above argument [c], as best understood by the examiner, Tommaso specifically teaches various modules for example event viewer module, performance module, notifications module, and like are not only interrelated to each other, but also coordinating, collecting of data at respective memory locations [see fig 2,5, page 9, line 18-24].

d) At page 13, line 13-15, applicant argues that "Tommaso is silent with regard to conducting post-performance monitoring sessions and with regard to displaying interactions among entities in a time sequenced fashion."

As to the above argument [d], as best understood by the examiner, Tommaso specifically teaches monitoring, collection of network performance data [see Abstract], further Tommaso also teaches performance data is being stored in a database to various purposes that including problem notification, performance monitoring, tracking, trouble shooting and like [see page 3, line 16-18]. As noted, although Tommaso's collection of data is based on real-time, Tommaso specifically uses for various applications which satisfy or meets conditions such as pre-stored criteria as detailed in fig 2 and 6, page 11, line 5-9]. Tommaso also suggests uses may query either real time or historical performance of network depends on requirement as detailed in performance module at page 13, line 1-13, therefore, Tommaso teaches post performance monitoring data and displaying the same.

e) At page 13, line 19-20, applicant argues that "Tommaso fails to teach the display of previous occurring network events based upon data stored in a data store'.

As to the above argument [e], Tommaso specifically suggests event viewer module has the ability to produce network event data and displaying in row/column format [see page 12, line 17-20], further it is noted that event log is maintained, as best understood by the examiner, log time corresponds to entities in a time sequenced manner because each log entry has corresponding time stamp as detailed in fig 7. Also, it is noted that Tommaso suggests the data to be filled in fields may come from either temporary memory element 72 or main memory element 36

f) At page 14, line 2-3, applicant argues that "Tommaso fails to include a persistent storage for network data, which would be necessary to establish post-performance monitoring sessions.

As to the above argument [f], Tommaso specifically teaches specifically two types of storage for network performance data for example data stored in a temporary memory or stored in the main memory both real-time and historical data [see page 11, line 1-2,page 13, line 5-7.

g) At page 14, claims 5, 20, applicant argues that "applicants explicitly claim the "displaying of retrieved metrics for sequential playback on a graphical display". In paragraph 12, the Examiner acknowledges that Tommaso fails to teach playback functionality, consequently, Tommaso fails to anticipate claims 5 and 20.

As to the above argument [g], claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Ippolito, Tommaso et al., [hereafter Tommaso], CA 2287844 in view of Bloch et al., [hereafter Bloch], US Patent No. 6792468. In the above rejection, examiner clearly stated that Tommaso does not specifically teach 'sequential playback on a graphical display', although Tommaso teaches user interface, more specifically displaying various network events for example as detailed in fig 7-10. On the other hand, Bloch disclosed 'sequential playback on a graphical display' [col 5, line 40-45, line 60-66], Bloch specifically teaches playback

engine that automatically generates user's request to specific information event as detailed in col 5, line 40-45.

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Bloch et al., into providing information about the performance of a communications network of Tommaso et al., because both Tommaso, and Bloch are directed to communications network based information, more specifically Tommaso is directed to network management that provides the performance of communications network [see Abstract]. Bloch et al. Is directed to media information across a data network system, more specifically, real-time media data accessed and displayed with playback control [see Abstract, col 2, line 45-50].

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to combine the references because that would have allowed users of Tommaso to make use real-time playback control to not only review previous network events, but also have the ability to request specific events, see Bloch [col 2, line 45-57], thus improving the quality and reliability of data.

h) At page 14, claim 5 and 20, applicant argues that "Tommaso never teaches the identification of a previously occurring network event, nor does Tommaso teach storing metrics for previously occurring network events, and subsequently retrieving the stored metrics responsive to the identifying step.

As to the above argument [h], Tommaso specifically teaches both real-time and historical performance network data, further Tommaso also suggests user has the ability to query and display real time or historical performance of network events [see page 13, line 1-13, as best understood by the examiner, if there was no previously stored data or real-time data available in the database, user wouldn't have the ability to query and display specific real time or historical performance of the network events. Therefore, Tommaso teaches previously stored or historical network performance metrics and subsequently retrieving the stored metrics using queries.

i) At page 14, claim 5 and 20, applicant argues that applicants claim that the agent is configured to process received values in an entity-independent manner.....That is, an agent can be an autonomous software object not constrained to monitoring a particular network entity.

j) At page 15, claim 10, applicant argues that applicants claim "at least one agent configured to gather and process metrics from a plurality of communication components.....Tommaso fails to teach that a single agent gathers and processes metrics from more than one communication component

As to the above argument [I,j], Tommaso specifically teaches each equipment has data gathering program or agent that monitoring and transmit information to and from the network 24, however, it is noted that gather program collects data and stores in a database in a independent manner, further carrier network 24 has independent

computer program that is used for collection and monitoring data transmissions between various data locations in a independent manner [see page 6, line 10-22].

k) At page 15, claim 6 and 21, applicant argues that Tommaso is silent in regard to permanently storing data for later retrieval.

As to the above argument [k], Tommaso specifically suggests specifically two types of storage for network performance data for example data stored in a temporary memory or stored in the main memory which is part of database both real-time and historical data [see page 11, line 1-2,page 13, line 5-7], further Tommaso suggests user has the ability to query and display real time or historical performance of network events [see page 13, line 1-13], as best understood by the examiner, if there was no previously stored data or real-time data available in the database, user wouldn't have the ability to query and display specific real time or historical performance of the network events. Therefore, Tommaso teaches previously stored or historical network performance metrics and subsequently retrieving the stored metrics using queries.

l) At page 15, claim 10, applicant argues that applicants claim "an interface for sequentially playing back component interactions". Tommaso fails to disclose a playback feature ....

As to the above argument [l], claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Ippolito, Tommaso et al., [hereafter Tommaso], CA 2287844 in view of Bloch et al., [hereafter Bloch], US Patent No. 6792468.
In the above rejection, examiner clearly stated thatTommaso does not specifically teach 'sequential playback', although Tommaso teaches user interface, more specifically displaying various network events for example as detailed in fig 7-10. On the other hand, Bloch disclosed 'sequential playback on a graphical display' [col 5, line 40-45, line 60-66], Bloch specifically teaches playback engine that automatically generates user's request to specific information event as detailed in col 5, line 40-45.

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Bloch et al., into providing information about the performance of a communications network of Tommaso et al., because both Tommaso, and Bloch are directed to communications network based information, more specifically Tommaso is directed to network management that provides the performance of communications network [see Abstract]. Bloch et al. is directed to media information across a data network system, more specifically,

real-time media data accessed and displayed with playback control [see Abstract, col 2, line 45-50].

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to combine the references because that would have allowed users of Tommaso to make use real-time playback control to not only review previous network events, but also have the ability to request specific events, see Bloch [col 2, line 45-57], thus improving the quality and reliability of data.

m) At page 16, claim11, applicant argues that "Tommaso fails to teach retaining values within a datastore as the values are displayed. Instead, Tommaso uses a temporary memory 72 to store values for display. Tommaso is silent as to the utilization of these values after the display, yet the silence coupled with the utilization of a non persistent memory ...

As to the above argument [m], Tommaso specifically teaches two types of storage for network performance data for example data stored in a temporary memory or stored in the main memory which is part of database both real-time and historical data [see page 11, line 1-2,page 13, line 5-7], further Tommaso suggests user has the ability to query and display real time or historical performance of network events [see page 13, line 1-13], as best understood by the examiner, if there was no previously stored data or real-time data available in the database, user wouldn't have the ability to

query and display specific real time or historical performance of the network events. Therefore, Tommaso teaches previously stored or historical network performance metrics and subsequently retrieving the stored metrics using queries.

n) At page 16, claims 2,7,12,17,22, applicant argues that the referenced portions of Tomaso (page 12, line 19-22,page 16, line 2-10, fig 7,fig 12], however, have nothing to do with using a starting time and/or an ending time.....

As to the argument [m], Tommaso teaches accessing values in data store that corresponds to accessing respective device database as detailed in fig 1, Tommaso also teaches various modules for example event viewer module, performance module, notifications module and like [see fig 5], as stated in the office action above, event viewer module displaying data related to performance metric that including log time [see fig 7, page 12, line 19-26]. As best understood by the examiner, starting and ending time data values are integral part of Tommaso's teaching because Tommaso specifically tracks and records log time as detailed in fig 7.

o) At page 17, claims 3 and 18, applicant argues that "Tommaso is silent in regard to being able to display network events in either real-time or based upon previously occurring events".

As to the above argument [o], Tommaso specifically teaches displaying various network events for example different data appears in separate windows or frames on the display screen [see page 9, line 4-8, fig 4], further it is noted that Tommaso also suggests user querying not only real-time network performance metric, but also maintains historical performance of the network data [see col 13, line 1-7], especially fig 8 showing performance criteria display, therefore, Tommaso is not silent in regard to being able to display network events in either real-time or based upon previously occurring events.

p) At page 17-18, claims 4,9,14,19,24, applicant argues that There is no motivation to combine the teachings of Tommaso and Gupta for purposes of playback of network events.

Note: claims 4,9,14,19,24 rejected under 103(a) Tommaso in view of Bloch et al. as detailed above, however, examiner presented the argument[s] to applicant's amendment as follows:

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Tommaso is

directed to performance metrics of communications network, more specifically gathering real-time information about data network., storing in a database, graphical representation of the data, and displaying the same [see Abstract, fig 4, fig 7-8, page 9, line 4-8, page 11, line 5-9, page 13, line 1-7], while Gupta is directed to network client/server system, more specifically, multimedia content or data over network [see fig 1, col 5, line 24-30, 41-46], both Tommaso, and Gupta teach graphical user interface and displaying data [see Tommaso: fig 8, page 13, line 1-3; Gupta: fig 5, col 9, line 32-37], both Tommaso and Gupta suggested using HTML page file, audio/video for displaying image[s] or data [see Tommaso: page 8, line 22-26, fig 4; Gupta: col 1, line 27-32, col 3, line 25-33], both Tommaso and Gupta specifically teaches real-time data [see Tommaso: page 3, line 20-23; Gupta: col 1, line 32-37].

In the previous office action, examiner noted that Tommaso does not specifically teach various playback function[s], more specifically "selecting a playback function from the group consisting of playing, forwarding, fast forwarding, rewinding, fast rewinding, pausing, stepping and stopping" as claimed in claims 4,9,14,19,24.

Examiner also clearly stated that on the other hand, Gupta disclosed "selecting a playback function from the group consisting of playing, forwarding, fast forwarding, rewinding, fast rewinding, pausing, stepping and stopping" [see fig 5-7, col 9, line 45-60, col 10, line 3-5, line 38-40, line 53-54].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to combine the references because that would have allowed users of Tommaso to use various playback functions to not only view specific data, assigning specific speed to individual stream based on time line, but also allows to users to modify data as suggested by Gupta et al [see col 2, line 9-21], thus improving the quality and reliability of the network data.

Conclusion

The prior art made of record

a. CA 2287844.

b. US Patent No. 6792468

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is 571-272-4108. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popvici, can be reached on 571-272-.4083. The fax phone numbers for the organization where the application or proceeding is assigned is 703/872-9306

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sc
Patent Examiner.
November 2, 2004.